



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

January 15, 2013

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**WILSHIRE BOULEVARD BUS RAPID TRANSIT PROJECT
DELEGATE AUTHORITY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN
THE COUNTY OF LOS ANGELES AND THE LOS ANGELES COUNTY METROPOLITAN
TRANSPORTATION AUTHORITY TO DESIGN AND CONSTRUCT THE PROJECT, AND TO
ADOPT, ADVERTISE, AND AWARD PHASE 1 IN THE UNINCORPORATED WEST LOS
ANGELES AREA
(SUPERVISORIAL DISTRICT 3)
(3 VOTES)**

SUBJECT

This action is to delegate authority to the Director of Public Works or her designee to enter into a Memorandum of Understanding between the County of Los Angeles and the Los Angeles County Metropolitan Transportation Authority for design and construction of a peak-hour bus lane in the eastbound direction of Wilshire Boulevard between Federal Avenue/San Vicente Boulevard and Bonsall Avenue in the unincorporated West Los Angeles area; approve the project; carry out accelerated delivery of Phase 1, including the delegation of authority to the Director of Public Works or her designee to adopt the plans and specifications; call for bids; award and execute a consultant services agreement with the apparent responsible contractor with the lowest responsive bid for the preparation of a baseline construction schedule and a storm water pollution prevention plan for a fee not to exceed \$15,000; award and execute a construction contract with the apparent responsible contractor with the lowest responsive bid; and delegate certain responsibilities to the Director of Public Works or her designee to carry out this project.

IT IS RECOMMENDED THAT THE BOARD:

1. Delegate authority to the Director of Public Works or her designee to negotiate and enter into a

Memorandum of Understanding and any subsequent amendments with the Los Angeles County Metropolitan Transportation Authority for design and construction of a peak-hour bus lane in the eastbound direction of Wilshire Boulevard between Federal Avenue/ San Vicente Boulevard and Bonsall Avenue.

2. Approve the project and delegate to the Director of Public Works or her designee the authority to adopt the plans and specifications and call for bids for Phase 1, at an estimated construction contract cost between \$2,900,000 and \$4,000,000.
3. Authorize the Director of Public Works or her designee to award and execute a consultant services agreement with the apparent responsible contractor with the lowest responsive bid to prepare a baseline construction schedule, and a storm water pollution prevention plan for a fee not to exceed \$15,000 funded by existing project funds.
4. Authorize the Director of Public Works or her designee to award and execute a construction contract with the apparent responsible contractor with the lowest responsive bid, so long as the bid amount does not exceed the estimated cost range for Phase 1, approve the Faithful Performance and Labor and Material bonds and insurance submitted by the contractor, and take all other actions necessary and appropriate to fully deliver Phase 1.
5. Delegate to the Director of Public Works or her designee the following authority in connection with this Phase 1 contract: (1) approve and execute change orders within the same monetary limits delegated to the Director of Public Works under Section 2.18.050 of the Los Angeles County Code relative to the construction of County buildings; (2) allow substitution of subcontractors and relief of bidders upon demonstration of the grounds set forth in Public Contract Code Sections 4100 et seq. and 5100 et seq., respectively; (3) accept the project upon its final completion; (4) release retention money withheld consistent with the requirements of Public Contract Code Sections 7107 and 9203; and (5) extend the date and time for the receipt of bids consistent with the requirements of Public Contract Code Section 4104.5.
6. Authorize the Chief Executive Officer to permit the Director of Public Works or her designee to award and execute a contract for Phase 1 if the lowest responsive bid exceeds the estimated cost range and if the Chief Executive Officer finds that additional and appropriate funds have been identified.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

This request is to authorize the Director of Public Works (Director) or her designee to enter into a Memorandum of Understanding (MOU) between the County of Los Angeles (County) and the Los Angeles County Metropolitan Transportation Authority (LACMTA), to accelerate the processing of the MOU, and to allow for expedited execution of amendments and extensions to the MOU. Additionally, this request is to obtain approval of Phase 1 and to carry out its accelerated delivery. The recommended actions are necessary for the Director or her designee to adopt the plans and specifications for Phase 1, call for bids, award and execute a consultant services agreement (CSA), and award a construction contract at the earliest possible date to synchronize with the City of Los Angeles' planned construction in the area in January 2014. The recommendations contained herein will allow the Department of Public Works (Public Works) to advertise and award Phase 1 for the reconstruction and resurfacing of roadway pavement, installation of street lighting, relocation of traffic signals, and the performance of other appurtenant work as expeditiously as possible.

To construct the eastbound bus lane, a property easement from the Department of Veterans Affairs (VA) is required along the north side of Wilshire Boulevard. Due to the length of time required to acquire the easement, the Wilshire Boulevard Bus Rapid Transit Project is to be constructed in two phases. Phase 1 includes construction of an eastbound peak-hour bus lane by reducing the sidewalk width on the south side, modifying the raised median, removing the sidewalk along the north side, and upgrading the street lights. Phase 2 includes the replacement of the sidewalk on the north side upon conclusion of the right of way acquisition from the VA, which is anticipated to be completed within two years. In the interim, the sidewalk on the north side of the street will be closed to pedestrians.

The purpose of the CSA is to collect a baseline construction schedule and a storm water pollution prevention plan that conform to the County's specifications, which is critical to successfully manage construction activities by both the contractor and the County. The apparent responsible contractor with the lowest responsive bid must be able to produce these deliverables. Bid specifications provide that if the contractor fails to complete acceptable deliverables, Public Works may return to the Board to recommend that the contractor be determined nonresponsive and recommend award of the construction contract to the next lowest bidder contingent on that bidder completing deliverables which conform to the County's specifications.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) and Integrated Services Delivery (Goal 3). The recommended actions will help achieve these goals by accelerating the delivery of this project to benefit our communities and the traveling public and improve their quality of life.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The estimated construction contract cost to complete Phase I is in the range of \$2,900,000 and \$4,000,000. The Phase 1 total cost is estimated to be \$5,100,000. In addition to the construction contract cost, the Phase 1 total cost includes the costs of plans and specifications, consultant services, survey, environmental permit compliance, right-of-way acquisition, utility clearance, materials testing, inspection, contract administration, change order contingency, and other County services. The Phase 2 total cost is estimated to be \$1,500,000.

The Wilshire Boulevard Bus Rapid Transit Project costs will be partially financed with approximately \$4,000,000 in Federal Transit Administration Very Small Starts Section 5309 Grant funds and LACMTA Proposition C 25 Percent Grant funds. Funding for Phase 1 is included in the Third Supervisorial District's Road Construction Program in the Fiscal Year 2012-13 Road Fund Budget. Funding for Phase 2 will be requested through the annual budget process.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The MOU will provide for the LACMTA to contribute \$4,000,000 in Federal and local grant funds to the County of Los Angeles for the Wilshire Boulevard Bus Rapid Transit Project to implement an eastbound peak period bus lane along Wilshire Boulevard between Federal Avenue and Bonsall Avenue. Under the terms of the MOU, the County of Los Angeles will oversee the delivery of the project, including preparation of plans and specifications and administering the construction of the project.

Delegating to the Director or her designee the authority to adopt the plans and specifications; advertise for bids; award and execute a consultant services agreement for preparation of a baseline construction schedule and a storm water pollution prevention plan; and award and execute a construction contract will allow an accelerated process for delivery of Phase 1. The contract agreement will be in the form previously reviewed and approved by County Counsel.

The authority delegated in Recommendation 4 will allow the Director or her designee to award a contract within the construction bid range for Phase 1. In the event that the lowest responsive bid exceeds the bid range, Recommendation 6 will allow Phase 1 to be awarded if deemed appropriate and in the County's best interest by the Chief Executive Officer (CEO). Prior to any out-of-range award, the Director or her designee will notify the CEO and the Third Supervisorial District of the intended funding source to finance the cost increase. The CEO will evaluate the funding and decide if the contract should be awarded or have the matter brought before the Board for consideration. Section 20395 of the State Public Contract Code allows the Board the ability to delegate authority to the Director her designee to carry out all aspects of this project consistent with the recommendations contained herein. Granting this authority to the Director or her designee will accelerate delivery of Phase 1 of this project.

Phase 1, to contract for roadway reconstruction and resurfacing, installation of street lighting, traffic signal relocation, and the performance of other appurtenant work, is part of Public Works' ongoing highway construction and maintenance program. It will be advertised in accordance with Section 20392 of the State of Public Contract Code.

The award of the contract will not result in unauthorized disclosure of confidential information and will be in full compliance with Federal, State, and County regulations. The project specifications contain provisions requiring the contractor to comply with terms and conditions supporting the Board's ordinances, policies, and programs including, but not limited to: Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; the Los Angeles County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; the Los Angeles County's Defaulted Property Tax Reduction Program Ordinance, Los Angeles County Code, Chapter 2.206; and the standard Board-directed clauses that provide for contract termination or renegotiation.

The State Public Contract Code requires the County to award construction contracts to a responsible contractor with the lowest responsive bid, which is defined as the firm that: (1) submits the bid with the lowest cost; (2) is deemed by the County to be responsive to specific criteria under the solicitation including, but not limited to, licensure, bonding, and insurance requirements; and (3) is determined by the County to be a responsible bidder by exhibiting the capability, capacity, experience, trustworthiness, and financial wherewithal to perform the work required under the bid solicitation.

To ensure that the contract is awarded to a responsible contractor with a satisfactory history of performance, bidders are required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the Contractor's State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy No. 5.140, the information reported by the contractor will be considered before making a recommendation to award.

ENVIRONMENTAL DOCUMENTATION

On July 5, 2011, Item No. 36, the Board acting as a responsible agency adopted the Mitigation Monitoring and Reporting Program and the Environmental Findings of Fact and Statement of Overriding Considerations of the Revised Final Environmental Impact Report/Environmental Assessment (FEIR/EA) prepared and certified by the LACMTA as lead agency for the project. The FEIR/EA found that on the basis of the whole record before the Board that the significant adverse effects of the project have either been reduced to an acceptable level or are outweighed by the specific consideration of the project as outlined in the Findings of Fact and Statement of Overriding Considerations in accordance with the provisions of the California Environmental Quality Act.

CONTRACTING PROCESS

This project will be contracted on an open-competitive bid basis. A recommendation for award by the Director her designee will be made after review of the bids meeting the criteria established by the Board and the State Public Contract Code.

To increase contractor awareness of Public Works' program to contract work out to the private sector, this project will be listed on the County website for upcoming bids.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

When the project is completed, it will have a positive impact by providing improved highway facilities for the traveling public thereby benefiting the community.

CONCLUSION

Please return one adopted copy of this letter to the Department of Public Works, Construction Division.

The Honorable Board of Supervisors

1/15/2013

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Respectfully submitted,

A handwritten signature in black ink that reads "Gail Farber". The script is cursive and fluid, with the first name "Gail" and last name "Farber" clearly legible.

GAIL FARBER

Director

GF:SA:lg

c: Chief Executive Office (Rita Robinson)
County Counsel
Executive Office
Internal Services Department (Countywide
Contract Compliance)